

CHAPTER NO. 148**HOUSE BILL NO. 538**

By Representatives Overbey, Casada, Maddox, DuBois, Russell Johnson, Harry Brooks, Dunn, Hood, Mike Turner, Fitzhugh, Hagood, Bittle, Davis, Harmon, Hackworth, John DeBerry, Ulysses Jones, Miller, Bone, Cobb, Phillip Johnson, Cochran

Substituted for: Senate Bill No. 554

By Senator Clabough

AN ACT to amend Tennessee Code Annotated, Title 8; Title 50 and Title 68, Chapter 102, relative to rights of volunteer emergency personnel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 50, is amended by adding the following as a new, appropriately designated section:

50-__-__.

(a) No employer shall terminate an employee who is a volunteer firefighter solely because such employee, when acting as a volunteer firefighter, is absent or late to the employee's employment in order to respond to an emergency prior to the time the employee is to report to his or her place of employment.

(b) An employer may charge any time that an employee, who is a volunteer firefighter, loses from employment because of such employee's response to an emergency against the employee's regular pay.

(c) An employer has the right to request an employee, who loses time from the employee's employment to respond to an emergency, to provide the employer with a written statement from the supervisor or acting supervisor of the volunteer fire department stating that the employee responded to an emergency and list the time and date of the emergency.

(d) Any employee who may be absent or late to the employee's employment in order to respond to an emergency shall make a reasonable effort to notify such employee's employer that the employee may be absent or late.

(e) Any employee that is terminated in violation of the provisions of this section may bring a civil action against such employee's employer. The employee may seek reinstatement to the employee's former position, payment of back wages, reinstatement of fringe benefits, and where seniority rights are granted, the reinstatement of seniority rights. The employee has one (1) year from the date of violation of this section to file an action.

SECTION 2. This act shall take effect July 1, 2003, the public welfare requiring it.

PASSED: May 5, 2003


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 19th day of May 2003


PHIL BREDESEN, GOVERNOR